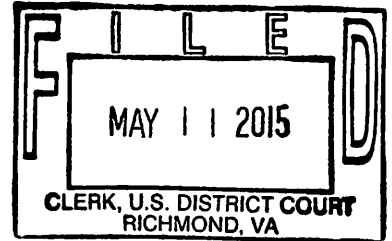


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



FREDDIE L. CEPHAS,

Plaintiff,

v.

Civil Action No. 3:15CV67

GARY A. HICKS,

Defendant.

MEMORANDUM OPINION

By Memorandum Order entered on March 16, 2015, the Court conditionally docketed this action. At that time, the Court directed Freddie L. Cephas, within thirty (30) days of the date of entry thereof, to submit a statement under oath or penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

See 28 U.S.C. § 1915(a)(1). The Court provided Cephas with an in forma pauperis affidavit form for this purpose. The Court warned Cephas that a failure to comply with the above directive would result in summary dismissal of the action.

Cephas has not complied with the order of this Court. Cephas failed to return the in forma pauperis affidavit. As a result, he does not qualify for in forma pauperis status. Furthermore, he has not paid the statutory filing fee for the

instant action. See 28 U.S.C. § 1914(a). Such conduct demonstrates a willful failure to prosecute. See Fed. R. Civ. P. 41(b). Accordingly, this action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion to Cephas.

/s/

REP

Robert E. Payne

Senior United States District Judge

Date:

May 8, 2015

Richmond, Virginia